

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CATHERINE HEAGY, et al.

Plaintiffs,

v.

BURLINGTON STORES, INC., et al.

Defendants.

CIVIL ACTION NO. 20-2447

ORDER

AND NOW, this 6th day of September 2023, upon consideration of the motions for summary judgment filed by Defendant Kellermeyer Bergensons Services, LLC (“KBS”) [Doc. No. 99], Defendant Burlington Stores, Inc. [Doc. No. 101], and Defendants Kim and Sanford Gray (“Gray Defendants”) [Doc. No. 102], and all responses thereto, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** as follows:

1. KBS’ Motion for Summary Judgment [Doc. No. 99] is **DENIED**.
2. Burlington’s Motion for Partial Summary Judgment [Doc. No. 101] is **DENIED**.
3. Gray Defendants’ Motion for Summary Judgment [Doc. No. 102] is **DENIED**.

It is further **ORDERED** that, in light of Burlington’s spoliation of evidence and in lieu of entering judgment in favor of the remaining Defendants, the Court will deny without prejudice all arguments regarding proposed spoliation sanctions against Burlington, and grant the parties leave to file appropriate motions for sanctions at or near the time of trial. The above-captioned case will be placed in the appropriate trial pool.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUGE, J.